

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40174 of 2021**

Arising Out of PS. Case No.-195 Year-2021 Thana- SHEKHPURA District- Sheikhpura

TINKU KUMAR, Son of Dharam Mahto, Resident of Village - Kurhadih, P.S.
- Sikandra, District - Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sheo Nandan Prasad, Advocate

For the Opposite Party/s : Ms.Asha Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 08-02-2022 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Ms. Asha Kumari, learned APP for the State.

The petitioner in the present is seeking regular bail in connection with Sheikhpura P.S. Case No. 195 of 2021 registered for the offences punishable under Sections 392, 411 of the Indian Penal Code. The petitioner is in custody since 23.05.2021. He has otherwise no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant was on way after withdrawing money from the S.B.I. A.T.M., he was intercepted by three miscreants riding on a Pulsar motorcycle covering their faces



and looted Rs. 1,10,000/- and one Samsung mobile of the informant on the point of pistol.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that during investigation petitioner has been arrested on the allegation that his SIM card was used in a looted mobile by the co-accused Ravish Kumar. It is further submitted that the mobile phones have been recovered from possession of the co-accused Ravish Kumar and the said Ravish Kumar has already been granted bail by learned court below in B.P. No. 856 of 2021. The petitioner is in custody since 23.05.2021 and no looted article has been recovered from his possession and he has not been put on Test Identification Parade.

Ms. Asha Kumari, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that the petitioner in this case has been arrested because his SIM card was used in a looted mobile by the co-accused, however, the mobile phones have been recovered from the possession of co-accused Ravish Kumar and said Ravish Kumar has been granted bail by the learned court below in B.P. No. 856 of 2021 as informed to this Court, the petitioner has otherwise no criminal antecedent and he is in custody since 23.05.2021, no looted article has been recovered



from his possession and he has not been put on Test Identification Parade, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 195 of 2021, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

